

PART 2
REMARKS RESPONSIVE TO FINAL OFFICE ACTION

Claims 1 - 4, 6, 8 - 13, 15 - 20, and 22 - 27 are now in this application. Claims 1 and 22 are amended herein.

The applicant's attorney thanks the Examiner for the telephonic interview conducted on August 13, 2004. Prior to the telephonic interview, the applicant's attorney presented to the Examiner by facsimile handwritten proposed amendments to claim 1 and 22 intended to overcome the rejection of claims 1 - 4, 6, and 22 - 27 under 35 U.S.C. 101. The Examiner stated that the proposed amendments would not overcome the 35 U.S.C. 101 rejections. The applicant's attorney suggested other possible amendments to claims 1 and 22, which the Examiner stated should be submitted by a formal amendment. The amendment to claim 22 presented herewith corresponds to that suggested by the applicant's attorney.

Claims 1 - 4, and 6 have again been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claim 1 has again been amended to overcome this rejection. In particular, it has been specified in claim 1 that the method results in "evaluating and graphically displaying the predicted evolution of the biological system to a predetermined state thereof". It is respectfully submitted that "the graphical display of the predicted evolution of the biological system to a predetermined state" is a data value which is concrete, tangible and useful according to the standard as set forth by the Examiner.

Claims 22 - 27 have been rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 22 has been amended to overcome this rejection by stating the concrete, tangible and useful data value of indicating the normality or abnormality of the evolution of the biological system.

It is respectfully submitted that all of the pending claims of this application are now allowable and an early allowance of this application is respectfully requested. However, should the Examiner still be of the opinion that claims 1 and 22 as amended do not set forth a result that is immediately concrete, tangible and useful, that applicant's attorney would appreciate a telephonic interview with the Examiner to consider what further amendments would render the claims allowable.

Respectfully submitted,



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